

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:

NEWAGE, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 22-10819 (LSS)

(Jointly Administered)

Ref. Docket No. 319

**ORDER (I) DISMISSING CHAPTER 11 CASE OF
MORINDA HOLDINGS, INC. AND (II) GRANTING RELATED RELIEF**

Upon the motion (the “**Motion**”) of the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) for entry of an order (the “**Order**”) (i) dismissing the chapter 11 case (“**Holdings’ Chapter 11 Case**”) of Morinda Holdings, Inc. (“**Holdings**”) and (ii) granting related relief, all as more fully set forth in the Motion; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue of these Chapter 11 Cases and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that due and adequate notice of the Motion has been given under the circumstances; and upon the record herein, this Court having determined that there is good and sufficient cause for the relief set forth in this Order; and after due deliberation thereon and good and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

¹ The last four digits of each of the Debtors’ federal tax identification number are NewAge, Inc. (2263), Ariix LLC (9011), Morinda Holdings, Inc. (9756), and Morinda, Inc. (9188). The Debtors’ address is 7158 S. FLSmidth Dr., Suite 250, Midvale, Utah 84047.

2. Any and all objections, if any, to the Motion or the relief requested therein that have not been resolved, withdrawn, waived, or settled, and all reservations of rights included in such objections, other than the limited objection of the Office of the United States Trustee, are hereby overruled on the merits with prejudice.

3. Pursuant to section 305(a) of the Bankruptcy Code, Holdings' Chapter 11 Case is dismissed effective as of the entry of this Order.

4. Notwithstanding anything to the contrary, including, without limitation, section 349 of the Bankruptcy Code, all prior orders, releases, stipulations, settlements, rulings, orders and judgments of this Court made during the course of the Chapter 11 Cases or any related adversary proceeding, including, without limitation, the Sale Order, shall remain final and in full force and effect, shall be unaffected by the dismissal of Holdings' Chapter 11 Case, and are specifically preserved for all preclusive purposes, including, without limitation, collateral estoppel and res judicata.

5. Debtors NewAge, Inc., Ariix LLC, and Morinda, Inc. shall have no liabilities or obligations to Holdings and Holdings shall have no claim against the Debtors' estates.

6. Each of the professionals retained by Holdings' estate are terminated, effective immediately, without the need for further action on the part of this Court, the Debtors, Holdings, or such professionals and their firms.

7. Upon entry of this Order, proofs of claim numbers 9, 32, 33, 35, 36, 37, and 38 filed by Mr. Rife and/or Mr. Smith shall be deemed withdrawn. Stretto, the Debtors' claims agent, is authorized to update the claims register(s) to reflect these withdrawals.

8. Notwithstanding the dismissal of Holdings' Chapter 11 Case, the Chapter 11 Cases of NewAge, Inc., Ariix LLC, and Morinda, Inc. shall continue to be jointly administered and not be dismissed or otherwise affected by this Order.

9. Holdings shall file any unfiled monthly operating reports and pay any outstanding United States Trustee quarterly fees within 14 days of entry of this Order.

10. Any and all rights of Holdings to receive payments or distributions on account of its equity interests in Morinda, Inc., are hereby assigned to NewAge, Inc.

11. The caption of the Debtors' jointly administered cases shall now read as follows:

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12. The foregoing caption and footnote satisfy the requirements set forth in section 342(c)(1) of the Bankruptcy Code.

13. The requirements of Local Rule 2002-1(f)(ix) are stayed as to Holdings until entry of a final decree in the Chapter 11 Cases of NewAge, Morinda, and Ariix.

14. The Debtors and Holdings are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

15. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation and/or interpretation of this Order.

Dated: March 6th, 2023
Wilmington, Delaware


LAURIE SELBER SILVERSTEIN
UNITED STATES BANKRUPTCY JUDGE